

Whose Responsibility is it Anyway?

By the Board of Barbering and Cosmetology

Throughout the years, the Board has received several inquiries on who ultimately is responsible for violations found in salons and barbershops. Is it the owner, the manager, or those who work in the salon or barbershop?

The law states that, "An establishment shall at all times be in the charge of a person licensed...except an apprentice (*Section 7348 of the California Business and Professions Code*)."

This means that a licensed person must at all times be present and in charge of the salon or barbershop. To further clarify, a licensed person means a barber, cosmetologist, manicurist, esthetician, or electrologist. In this case, the salon or barbershop owner who has a properly issued establishment license, but is not a licensed barber, cosmetologist, manicurist, esthetician or electrologist, is not considered a licensee and cannot be the sole person in charge of the shop. The same applies to a licensed apprentice.

The role of the licensee-in-charge is to provide oversight to the salon and to ensure that the Health and Safety Rules are maintained and implemented. Typically, this licensee will not be held responsible for violations that are found outside his or her workstation.

On the other hand, the salon or barbershop owner is responsible for implementing and maintaining the Health and Safety Rules *and* will be cited for any and all violations found in the salon or barbershop. The owner is responsible for violations that are carried out by the people in or employed by the shop. In addition, each employee will be held responsible for violations that are individually carried out.

For example, if an Inspector finds that a stylist fails to properly disinfect his or her hair implements, both the stylist and the salon owner could be issued a citation for the same violation. This idea of shared responsibility helps ensure that all health and safety aspects of the shop are met.

To reference the law that speaks of responsibility, visit our web site at www.barbercosmo.ca.gov and open the link to our laws and regulations. Specifically, refer to the California Business and Professions Code Section 7348 and the California Code of Regulations Section 904. You can also contact the Board at (800) 952-5210 for further information.

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